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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/777,413 | 02/12/2004 | Frederick James Diggle III | BE1-0054US | 4316 |
| 49584 | 7590 | 10/25/2006 | | |
| LEE & HAYES, PLLC 421 W. RIVERSIDE AVE. SUITE 500 SPOKANE, WA 99201 | | | | |
| | | | EXAMINER WATSON, ROBERT C | |
| | | | ART UNIT 3723 | PAPER NUMBER |

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Art Unit: 3723

The reply filed on 9/21/06 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): The election of species requirement of 12/5/05 clearly stated that applicant must identify which claims read on the elected species including any claims subsequently added. The 9/21/06 reply subsequently added a new claim 27 without identifying whether or not it reads on the elected species. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Watson whose telephone number is 571 272-4498. The examiner can normally be reached on Mon. - Thurs. , 5:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rcw



ROBERT C. WATSON
PRIMARY EXAMINER